

Message Text

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ORIGIN L-03

INFO OCT-01 ARA-16 ISO-00 RSC-01 /021 R

DRAFTED BY L:L/C:FAKWIAEK:MB

APPROVED BY L:L/C:FAKWIAEK

ARA/MEX:CPTORREY

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R 162234Z APR 74

FM SECSTATE WASHDC

TO AMEMBASSY MEXICO

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E.O. 11652: N/A

TAGS: CPRS (L/C), MX

SUBJECT: CASE OF OLVERA AND ARGUELLO HEIRS (TIJUANA LAND
SETTLEMENT)

REF: MEXICO 2827

1. NOTWITHSTANDING SCOFIELD EMPHATIC STATEMENT REGARDING
EXHAUSTION OF LOCAL REMEDIES, DEPT DOES NOT PERCEIVE HOW
ANY USEFUL PURPOSE WOULD BE SERVED BY INFORMING SCOFIELD
ABOUT REASONS FOR REFUSAL TO FORMALLY INTERVENE IN CASE.

2. REVIEW OF DEPT'S VOLUMINOUS RECORDS REGARDING MATTER
ESTABLISHES THAT DEPT HAS COMMUNICATED OVER YEARS WITH
SCOFIELD, VARIOUS OLVERA AND ARGUELLO HEIRS, AND MEMBERS
OF CONGRESS ON NUMEROUS OCCASIONS EXPLAINING NECESSITY OF
EXHAUSTING ALL LOCAL ADMINISTRATIVE AND JUDICIAL REMEDIES,
OR IN ABSENCE THEREOF, SUBMITTING EVIDENCE ESTABLISHING
FUTILITY OF DOING DO. TO DATE DEPT HAS NOT RECEIVED ANY
OF THE EVIDENCE OR INFORMATION REQUESTED IN SUCH LETTERS.
NOTWITHSTANDING DEPT'S DETAILED AND ANALYTICAL LETTERS,
SCOFIELD HAS CONTINUED REPETITIVE AND UNSUPPORTED ARGUMENT
THAT NO REMEDIES AVAILABLE OR EXHAUSTION OF LEGAL REMEDIES
FUTILE ON ONE HAND, WHILE ADMITTING WHEN PRESSED EXISTENCE
OF JUDICIAL REMEDIES, EXTREME EXPENSE INVOLVED IN LITIGAT-
ING MATTER AND FACT THAT FINAL DETERMINATION WOULD TAKE AS
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MUCH AS 15 TO 20 YEARS. IF CASE IS DEAD, SCOFIELD AND

HEIRS RESPONSIBLE FOR HOMICIDE.

3. AS EMBASSY KNOWS, FAILURE TO EXHAUST REMEDIES OR ESTABLISH FUTILITY OF DOING SO PRECLUDES FORMAL INTERVENTION UNDER PRINCIPLES OF INTERNATIONAL LAW BY USG WITH GOM ON BEHALF OF HEIRS.

4. DEPT PERCEIVES NO OBJECTION TO EMBASSY CONTINUING TO RENDER SUCH INFORMAL ASSISTANCE AS IT BELIEVES APPROPRIATE. KISSINGER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 16 APR 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: MorefiRH
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE077341
Document Source: CORE
Document Unique ID: 00
Drafter: L/C:FAKWIA TEK:MB
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740088-0513
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740438/aaaabikw.tel
Line Count: 71
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: MEXICO 2827
Review Action: RELEASED, APPROVED
Review Authority: MorefiRH
Review Comment: n/a
Review Content Flags:
Review Date: 17 SEP 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <17 SEP 2002 by elyme>; APPROVED <18-Sep-2002 by MorefiRH>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CASE OF OLVERA AND ARGUELLO HEIRS (TIJUANA LAND SETTLEMENT)
TAGS: CPRS, MX, (HEIRS, OLVERA), (HEIRS, ARGUELLO)
To: MEXICO
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005